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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference PAKIST03142		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/KR2003/001443	International filing date (day/month/year) 21 JULY 2003 (21.07.2003)	Priority date (day/month/year) 20 JULY 2002 (20.07.2002)
International Patent Classification (IPC) or national classification and IPC  IPC7 A61K 47/44		
Applicant  KOREA INSTITUTE OF SCIENCE AND TECHNOLOGY et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  19 FEBRUARY 2004 (19.02.2004)	Date of completion of this report  06 OCTOBER 2004 (06.10.2004)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer  LEE, Mi Jeong  Telephone No. 82-42-481-5601 

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/KR2003/001443

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☐ the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement) under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language English which is

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☒ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheet \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed." and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION

International application No.

PCT/KR2003/001443

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1 - 58	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 58	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 58	YES
	Claims		NO

### 2. Citations and explanations (Rule 70.7)

The following documents are referred to here for the purpose of this report:

D1: KR 01-100194 (14 Nov. 2001)

D2: WO 00/33816 A1 (10 Dec. 1999)

D3: Eur. J. Pharm. Sci. Vol.6(3), pp.231-239 (1998)

#### 1. Novelty

The present invention relates to a novel mucoadhesive composition for solubilization of water-insoluble drugs comprising monoglycerides, oil, optionally emulsifiers and a preparation method thereof.

D1 discloses a mucoadhesive composition for solubilization of water-insoluble drugs comprising monoglycerides, emulsifiers, optionally organic solvents.

D2 discloses a delivery formulation for administration to a mucous membrane comprising a particulate material to be delivered to the membrane in a matrix containing amphiphilic substances such as monoglycerides.

D3 discloses that monoglycerides are capable of forming liquid crystals and they have been identified as potential bioadhesive substances.

D1 differs from the present invention in that the composition of D1 does not comprise oil as an essential element.

D2 differs from the present invention in that there is no oil and no emulsifiers in the composition of D2.

D3 just describes the mucoadhesive properties of systems based on monoglycerides.

Therefore, claims 1-58 of the present invention are considered to be novel over D1-D3 [Article 33(2) PCT].

#### 2. Inventive Step

D1 seems to be the closest prior art to the present invention. However, D1 does not comprise oil as an essential element unlike the present invention and it is not easily expectable to  
(Continued on Supplemental Sheet.)

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/KR2003/001443

## Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of:

Box V.

those who skilled in the art to replace an organic solvent with oil.

Therefore, claims 1-58 of the present invention are considered to involve an inventive step over D1-D3 [Article 33(3) PCT].

### 3. Industrial Applicability

The subject-matter of claims 1-58 appears to be industrially applicable [Article 33(4) PCT].